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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOSHUA GERSTEIN,
Plaintiff,
v.
CENTRAL INTELLIGENCE AGENCY,
et al.,
Defendant.

Case No. C 06-04643 MMC
**AND ORDER
SECOND STIPULATION TO EXTEND
DEFENDANTS' BRIEFING DEADLINE
FOR FILING RENEWED MOTION
FOR SUMMARY JUDGMENT AND
MEMORANDUM IN SUPPORT
THEREOF**

The parties hereby stipulate to a second extension, for two weeks or until May 7, 2010, of the deadline for defendants to file a renewed motion for summary judgment. The current deadline, pursuant to Stipulation and Order dated March 26, 2010, is April 23, 2010. The bases for this stipulation are as follows:

1. On February 23, 2010, the Court issued an Order granting in part and denying in part defendants' renewed motion for summary judgment regarding plaintiff's request to the Department of Justice's Office of Professional Responsibility (OPR) under the Freedom of Information Act (FOIA). Plaintiff's FOIA request sought documents relating to leaks of classified information. With respect to certain of OPR's withholdings under FOIA exemptions 2, 5, 6, and

1 7(C), the Court denied the government's motion for summary judgment without prejudice,
2 allowing OPR until April 2, 2010 to file a renewed summary judgment motion.

3 2. On March 26, 2010, the parties stipulated to a three-week extension of time, in part due
4 to scheduling issues and in part to allow the parties an opportunity to determine whether it is
5 possible to narrow the scope of the information which remains at issue in this case. The Court
6 approved the Stipulation.

7 3. OPR has completed its initial review of the pertinent documents and has made a
8 preliminary decision to release some of the information previously withheld in response to
9 plaintiff's FOIA request. OPR also has referred some documents to other components within the
10 U.S. Department of Justice to obtain their approval for the release of certain information.

11 4. OPR intends to make a new production to plaintiff of the documents responsive to
12 plaintiff's FOIA request. This new production will reflect the determination to release additional
13 information than was produced to plaintiff in OPR's initial responses to his request in September,
14 October, and December 2006. OPR has informed government counsel that the documents will be
15 released in the near future.

16 5. On April 13, 2010, government counsel and plaintiff discussed the fact that OPR's
17 recent review of the documents responsive to his request would result in the release of additional
18 information. Plaintiff understood that the review was in progress and requested sufficient time
19 after the review was completed to analyze the documents before deciding the extent to which he
20 could agree to narrow the issues that remain pending before the Court. Plaintiff informed
21 government counsel that he would stipulate to an additional two week extension of time for the
22 filing of the government's motion for renewed summary judgment.

Accordingly, the parties stipulate to extend the defendants' briefing deadline by two weeks, or until May 7, 2010.

Respectfully submitted,

JOSHUA GERSTEIN

TONY WEST
Assistant Attorney General

/s/

Plaintiff

/s/

Carlotta P. Wells
Senior Trial Counsel
United States Department of Justice
Civil Division
Federal Programs Branch

Dated: April 22, 2010


Dated: April 22, 2010

~~PROPOSED~~ ORDER

Upon consideration of the parties' stipulation, the briefing deadline set by the March 26, 2010 Order is extended by two weeks, to reflect that defendants' renewed motion for summary judgment is due no later than May 7, 2010.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 22, 2010


MAXINE M. CHESNEY
United States District Judge